

### **Remarks**

In the application, claims 1 through 27 are currently pending. No claims have been allowed.

The non-final Office Action dated June 4, 2007, has been carefully considered. The Office Action rejects claims 1 through 27 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claim 14 is rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Claims 1 through 4, 6 through 18, and 20 through 27 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,961,055 ("Doak"). Claims 5 and 19 are rejected under 35 U.S.C. § 103(a) as obvious in light of Doak and U.S. Patent 6,362,817 ("Powers").

### **§§ 101 and 112 Rejections**

The Applicants wish to thank the Examiner for withdrawing the previous §§ 101 and 112 rejections.

The claims are currently amended to address the new §§ 101 and 112 rejections.

Claim 1 is amended to recite a computer-game system stored on at least one computer-readable medium. As is known in the art, this medium can be any one or a combination of computer disks, tapes, RAM, ROM, network transmissions, etc. As the Examiner pointed out, MPEP § 2106 states that functional descriptive material becomes statutory subject matter when it is stored on a tangible computer-readable medium.

Claim 1, as amended, includes at least two transformative steps. The game engine presents a game scenario on a user interface, thus transforming the characteristics of the interface in a manner observable to the game user. Also, the application programming interface program transforms data from the map database when it provides the data to the game engine.

Claim 14, as amended, also includes the transformative step of presenting a game scenario on a user interface of a computing platform. To address the § 112 rejection, claim 14 is amended to present a "game scenario" to a user, rather than a "computer game."

With these amendments, claims 1 and 14 (and all the remaining claims which depend from these claims) satisfy the requirements of §§ 101 and 112. Applicants request that these rejections be withdrawn.

### **§§ 102 and 103 Rejections**

Claims 1 and 14, as currently amended, call for a map database “containing data that represent **roads** in a real-world geographic locale.” (Emphasis added.) This map database is neither anticipated by, nor rendered obvious in light of, the cited art. Because Doak teaches indoor, “first-person-shooter” games, it does not mention roads at all.

While Powers mentions roads in Table VII, neither Powers nor Doak teaches “roads in a **real-world geographic locale**.” (Emphasis added.) Instead, the cited art emphasizes the need to create **virtual** environments for gaming. For example, see Doak, column 4, lines 6 through 27, and especially lines 24 and 25:

There therefore exists a need for improved methods and apparatus for constructing **virtual environments**, particularly virtual environments for computer games . . . .

(Emphasis added.) Because the Doak and Powers are directed toward creating virtual environments, they actually *teach away* from using real-world data in a computer game. One reason that the known art focuses on virtual environments rather than on the real-world is discussed in the background section of the present application: In short, prior to the present invention creating gaming environments based on real-world locations was time-consuming and so expensive as to be prohibitive.

The pending dependent claims are patentable over the cited art for at least the same reasons as given above for the independent claims 1 and 14. In addition, dependent claims 4 through 8, 11, 18 through 22, and 25 include road elements not taught by the cited art.

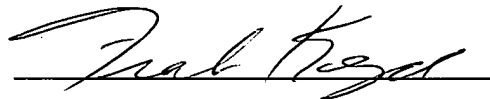
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### **Conclusion**

The cited art neither anticipates nor renders obvious the currently pending claims. Thus, this application is considered to be in good and proper form for allowance, and the Applicants request that the Examiner withdraw the rejections and pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicants' representative at the number given below.

Respectfully submitted,



Frank J. Kozak  
Reg. No. 32,908  
Chief Intellectual Property Counsel

NAVTEQ North America, LLC  
425 West Randolph Street  
Chicago, Illinois 60606  
(312) 894-7000 x7371